لا إله إلا الله محمد رسول الله

إن الدين عند الله الإسلام

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THE REVIEW OF RELIGIONS

January 1963

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S. D. AHMAD M. G. AHMAD

THE AHMADIYYA MOVEMENT IN ISLAM

The Ahmadiyya Movement was founded in 1889 by Hazrat Mirza Ghulam Ahmad of Qadian, India. He declared that God had conferred upon him the dignity of Prophethood. He claimed that he had received this blessing through being a perfect follower of the Holy Prophet. He claimed to be the Promised Messiah and Mahdi and the Expected Messenger of all the religions of the world. He explained that God had raised him for the purpose of re-establishing the dominion of Islam and to shed light upon the true teachings of the Holy Quran. With him, in fact, had started a new era, the renaissance of Islam.

One startling historical disclosure he made, was that Jesus Christ had escaped death at the crucifixion and had subsequently travelled to Kashmir, where his tomb still exists at Srinagar.

When Hazrat Ahmad published his claims and revelations received by him, he encountered a severe storm of opposition from all quarters and all communities. In spite of this opposition God began to strengthen his voice and people began to follow him. At the time of his death in 1908, he had gathered around him a group of faithful and staunch followers not only in India but also in other countries, numbering hundreds of thousands.

After his death in 1908, he was succeeded by the Late Hazrat Maulvi Nuruddin Sahib as his First Khalifa. At his death in 1914, Hazrat Mirza Bashiruddin Mahmud Ahmad, the Promised Son of the Promised Messiah, was elected as his second Khalifa.

He particularly undertook a vast programme of the propagation of Islam, and under his guidance, the Movement is carrying on vigorous missionary activities throughout the world. There is now a network of Ahmadiyya missions in almost every free country.

Any information or literature about *Ahmadiyyat* can be had from the Ahmadiyya missions in different parts of the world or direct from :

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This is an organ of the Ahmadiyya Movement which represents true Islam. It deals with religious, ethical, social and economic questions, Islamic mysticism and current topics. It also provides Book Reviews.

It is open to all for discussing problems connected with the religious and spiritual growth of man, but it does not give any assurance to publish all articles, nor does it accept any responsibility for views expressed by contributors.

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THE REVIEW OF RELIGIONS

RABWAH, WEST PAKISTAN

Vol. LVII **JANUARY 1963** **No. I**

OUR OBJECT

Volume LVII begins with this issue of The Review of Religions. Besides being the first English journal sponsored by the Ahmadiyya Movement, it has had the unique distinction of being the only journal started by the Promised Messiah himself and of serving Islam under his own direct guidance.

It is with feelings of modest satisfaction at its achievements and of complete realism of its weaknesses when measured by its objects, that it enters the 57th year of its publication ; a period which is long enough to make this journal feel respectable among a host of other periodicals that have been started fairly recently and have taken upon themselves

the task of presenting the teachings of Islam to the modern man.

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As regards its future policy, it cannot be stated more clearly or adequately than it was in the opening editorial of January 1902, issue, which, after declaring that mankind needed a Divine Reformer for its re-formation, says "If it is true that God wills now as He willed in times past that man should repent of evil and be righteous, we undoubtedly stand in need of an inspired reformer who like the former prophets has the magnetism to draw people to goodness, who possesses divine attributes and whose life stands in purity eminently above others. Whose teachings have the power to attract and who can show extraordinary signs. Our object in this magazine is to show :

1. Who this Inspired Reformer is ;
2. What arguments and signs there are which support his claims ;
3. What his moral teachings are ;
4. What beliefs he inculcates and what he rejects ;
5. What truths and knowledge he has brought and in which of the divine books they are to be found ;
6. What path he teaches for union in God.

"Under these six heads falls the vast variety of the subjects to which the pages of this magazine shall be devoted. Besides it undertakes to refute every objection against Islam, the Holy Quran and the Holy Prophet Muhammad,

peace and blessings of God be on him and the Great Reformer, the holy Founder of the mission to which reference has above been made. It shall defend the cause of truth and oppose every false doctrine or erroneous teaching which is in violation of the rights of the Creator or the created".

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The Holy Spirit

God's Swearing by the Natural Phenomena

—V—

From the writings of the Promised Messiah, peace and blessings of Allah be on him, rendered into English by A.R. Khan Bengalee.

After explaining the philosophy of God's swearing by the heavens and the stars, in connection with the angelic protection of man, the Promised Messiah, peace and blessings of Allah be on him, produces another verse from the Holy Quran in which God swears by another natural Phenomenon, and then proceeds to explain the real significance of this Divine Oath. He says:-

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The foliowing is another example of Divine Oath:

والنجم اذا هوى ماضل صاحبكم و ما غوى وماينطق عن الهوى ان هو الا وحى يوحى علمه شديد القوى ذو مرة فاستوى وهو بالافق الاعلى

i.e., "I swear by the stars, that rise or fall, that your 'Sahib' or Comrade i.e. the Holy Prophet, has not swerved from the right path, nor is he led astray, and he does not say anything of his own accord or desire; rather, every word spoken by him is a revelation sent down *by God*, and taught by a very powerful entity i.e. Gabriel. That powerful entity was seen by him (the Holy Prophet) in its full glory, and it was on a lofty horizon." (53 : 1—8)

The purpose of this oath is to prove the prophethood of the Holy Prophet, which, to the disbelievers, is a theoretical affair, by means of proofs that are admitted by them and are manifest to them.

Now, it should be borne in mind that the Arabs, as a

result of the ideas spread among them by their astrologers or fortune-tellers, believed firmly that some very great man is born at a time when a large number of stars or meteors fall. It was particularly the firm and strong conviction of their fortune-tellers, who cultivated some relation with evil spirit, and foretold hidden things, that the falling of stars in an unusually large number, is an indication of the fact that some prophet is going to be born. It so happened that, when the Holy Prophet was raised, there was an extraordinary fall of meteors or shooting stars, which has been testified to by God in Chapter '*Jin*', and has been represented there as a story told by the *Jins* or the spirits themselves :

وانا لمسنا السماء فوجدناها ملئت حرصاً شديدا وشهباً

وانا كنا نقعد منها مقاعد للسمع فمن يستمع الان يجدله

شهاباً رصداً

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i.e. "We ransacked the sky and found it full of guards i.e. angels, and flames, and, previous to this, we used to lie in wait in the sky for hearing hidden things: but now, when we want to hear something, we find a flame in the place where we used to lie in wait, and it falls upon us". (72 : 9,10)

There are a lot of sayings of the Holy Prophet which bear out the significance of these verses. Bukhari, Muslim, Abou Dauood, Tirmazi, Ibni Maja and such other compilers of Hadith, have mentioned sayings of the Holy Prophet in their respective collections, to the effect that the falling of meteors is designed to ward off or guard against the satans or devils. Imam Ahmad reports from Ibni Abbas that shooting stars used to fall even in pre-Islamic days ; but they fell in great plenty and abundance at the time of the advent of the Holy Prophet, peace and blessings of Allah be on him. It is written in the commentary of the Holy Quran by IbniKasir that, at the fall of plenty of stars at the advent of the Holy Prophet, the inhabitants of Taif were greatly frightened and they said that there might have been a great agitation or commotion among the inhabitants of the sky or

the heavens. Then one of them said, "Look at the abode of the stars; if they have moved from their abode or spot, then a great havoc must have been wrought upon the inhabitants of the heavens; otherwise, this phenomenon that has appeared in the heavens, has been shown as a sign in favour of Ibni Abi Kabsha (they called the Holy Prophet by this name out of mischief).

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In short, it was a deep-rooted belief of the people of Arabia that whenever some prophet is raised in the world, or some very great man is born, stars fall in large numbers. Hence, in accordance with the ideas of the Arabs, God has sworn by the falling of meteors, which purports to say, "You yourselves admit and your astrologers and fortune-tellers accept the propositon that when there is a fall of shooting stars in large numbers some Prophet or Divinely inspired personage appears in the world. How can you, then, reject the truth of the Holy Prophet?" As the falling of meteors in large numbers was, in the opinion of the astrologers and fortune-tellers of Arabia, a clear and manifest proof of the fact that some Prophet or Divinely inspired personage is born, and since the people of Arabia were as devoted to the astrologers and fortune-tellers as a disciple is to his spiritual guide, God has presented the same manifest and evident affair before them, by way of an oath, so that, their attention may be drawn to the fact that this movement is from God and is not an invention or machination of men.

Some may ask: If the falling of meteors indicates the advent of some Prophet or Inspired Reformer, then, how does it happen that meteors are almost always seen to fall, but that falling is not accompanied by or attended with the advent of any Prophet or Inspired Reformer? The reply is that there is a condition of plentitude or abundance, and there is no doubt that God sends some Chosen One for the reformation of mankind in the age in which such phenomena take place in great plenty and in an extraordinary manner. Such phenomena, sometimes, herald the advent of such a person just a few years before his advent; or sometimes they occur just at the time of

his actual advent; at times, this illumination of rejoicing takes place in the heavens to celebrate some great and glorious victory attained by him.

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In his commentary of the Holy Quran, Ibni Kasir reports a Hadith from Said to the effect that the falling of shooting stars, in great plenty, indicates the advent of some prophet, or gives the glad tidings of the victory of Faith. But what we can gather from the verses of the Holy Quran, is a matter of common sense, and clearly and unmistakably proves that, whenever some Prophet, or his vicegerent appears or is about to appear, in this world, or his fore-runners are to appear, or some great victory is near, such phenomena takes place in the heavens. It is sheer ignorance to reject this truth, as absence of knowledge is no proof of the absence of a thing—some Divine Reformers do appear in the world of whom the world is not aware.

(*Aina-i-Kamalat-i-Islam*, Foot-note, pp. 102-108)

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Nature And Functions Of The Islamic State

— III —

Dr. M. Nasim. London

Administration of Justice

The Holy Prophet of Islam attached great importance to the idea of justice. Even before his claim to be a messenger of God, he revived the ancient confederacy formed at Mecca for the suppression of violence and injustice. After the death of Abdul Muttalib there was no one in Mecca to exercise supreme authority, which was weakened by division amongst various tribal chiefs. At the instance of the Prophet, the descendants of Hashim and of Muttalib, and the principal members of the other tribes, assembled in the house of *Ibn Judam*, where they swore "by avenging diety", that they would take part of the oppressed, and see his claim fulfilled, so long as a drop of water remained in the occean, or would satisfy it from their resources.

> "The league was useful both as a restraint against injustice, and on some occasions as a means of enforcing restitution. 'I would not,' Muhammad used in after years to say, 'exchange for the choicest camel in all Arabia, the remembrance of being present at the oath which we took' ".[1]

This chivalrous league which was founded in about 595 A.D. received the name of *Hilf-ul-Fazul*, the federation of *Fazul* in memory of the society started with a similar object, among the Jurham and which consisted of four persons, Fazal, Muffazzal, Fazl, and Fuzail. It continued to exist up to the first half of a century of Islam.

The Holy Quran has laid very great emphasis on an impartial administration of justice. It says:

يا ايها الذين امنوا كونوا قوامين بالقسط شهدآء لله ولو
على آنفسكم أوالوالدين والاقربين ـ ان يكن غنياً او
فقيراً فالله اولى بهما ـ فلا تتبعوا الهوى ان تعدلوا ـ
و ان تلوا اوتعرضوا فان الله كان بما تعملون خبيرا

"O ye who believe ! be strict in observing justice, *and be* witnesses for Allah, even though it be against yourselves or *against* parents and kindred. Whether he be rich or poor, Allah is more regardful of them both *than You are.* Therefore follow not low desires so that you may *be able to* act equitably. And if you conceal *the truth* or evade *it* then *remember that* Allah is well aware of what you do" (4 ; 136)

يا ايها الذين امنوا كونوا قوامين لله شهدآء بالقسط ولا
يجرمنكم شنان قوم على الا تعدلوا ـ اعدلوا هو اقرب
للتقوى والتقوا الله ـ ان الله خبير بما تعملون ـ٤

"O ye who believe ! be steadfast in the cause of Allah bearing witness in equity ; and let not a people's enmity incite you to act otherwise than with justice, Be *always* just that is nearer to righteousness. And fear Allah. Surely, Allah is aware of what you do. (5 :9)

ان الله يامر بالعدل

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"Verily, Allah enjoins justice" (16 : 91)

As the Holy Prophet was the exponent of Islam, he was scrupulously even-handed in the administration of justice. Maulvi Muhammad Ali says,

> "Muslims and non-Muslims, friend or foe were all a like in his eyes.....Notwithstanding the deep-rooted malice of the Jews against Islam, when a case between a Jew and a Muslim once came up before the Prophet for hearing, he decided in favour of the former, regardless of the fact that the Muslim, nay, even perhaps the whole of his tribe might thereby be alienated. And what such a loss meant to Islam in those days of its weakness and hardship is obvious enough."[2]

The Prophet fully realised that the ruin of the judicature

in a state means the ruin of that state, and it was for this reason that he has emphasised the independence of the judiciary. He used to decide the cases on evidence. It is reported in Sahih Muslim that the Prophet said,

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> "You bring cases before me for my decision, and if one of you tender better evidence than the other, and I will decide according to the evidence; not to those in whose favour I give judgment concerning any right of his brother, let him not take it, for I only cut off for him a piece of the fire."

To Hazrat Ali, whom he deputed to Yemama, he said,

> "When two parties come before you for justice, do not decide before hearing both."

The Hedaya says,

> "The evidence required in a case of whoredom is that of four men, as has been ordained in the Koran.....the other.....evidence required in other criminal cases is that of two men..... In all other cases the evidence required is that of two men or of one man and two women, whether the case relates to property, or to other rights, such as marriage, divorce, agency, executorship or the like."[3]

It is also reported in Sahih Muslim that the Prophet decided a case on the evidence of one witness and an oath. From the above certain rules can be deduced :

1. No case is to be decided without hearing the parties.
2. The burden of proof is on the plaintiff who must produce proof in support of his claim.

As regards the number of witnesses, the minimum number of witnesses is one man or two women, but in appropriate cases this limit can be varied, depending on the nature of the case and the discretion of the court.

It may be noted that oath under Muslim law means a solemn declaration made by a person affirming the truth of the statement he was making, with a fear of God in his mind. It

was not the kind of oath which is now-a-days taken in courts, where in a majority of cases, it is what may be termed as an oath of convenience, and which is taken to make a statement favourable to one's own interest, or to that of the person in whose favour one is giving evidence. In his life time, the Prophet used to decide the cases himself. For sometime after his death, Hazrat Abu Bakar followed in the footsteps of his Holy Master, and decided the cases. But when the pressure of the political work increased, and he found it not possible to spare time for this work, he delegated his judicial function to Hazrat Omar. On his assuption of office as the head of the state, he separated the department of justice. About the working of this department, he sent a remarkable directive to Abu Musa Asha'ri, Governor of Kufa. It is as follows :

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> "Praise be to God. Doing of justice is a vital duty. Treat all people in your meetings and justice equal so that neither the man of high rank will expect you to be partial, nor will the humble despair of justice from you. The burden of proof is on the one who makes a claim and it is permissible for a person who denies, to take on oath, compromise is permissible between the parties provided that no law be violated thereby. If you have given judgment, and upon re-consideration you come to a different conclusion, you can review your previous judgment ; for justice may not be annulled, and you are to know that it is better to retract than to persist in injustice. If you are in doubt about a matter and you do not find anything in Quran or Hadith about it, then again and again ponder over it, and consider like examples and precedents, and then decide. One who wants to supply proofs, give him a specified time. If he proves his case, secure him his right, otherwise dismiss his claim. All the Muslims are reliable except those who have been caned for some transgression, or who had given false evidence.

"God concerns Himself with your secret character, and leaves you to follow appearances. Avoid fatigue and the display of weariness or annoyance at the litigants in the court of justice, wherein God enables you to earn reward and make a handsome store. For when a man's conscience towards God is clear, God makes His relations with him satisfactory; whereas if a man simulate before the world what God knows that he is not, God will put him to shame".[4]

After a lapse of nearly fourteen centuries the directions given in the directive can as well be followed today. This directive has been quoted by Abu Ishaq Sherazi and also by Beheqi, and other historians. Yet in spite of such weighty testimony, an author, Grunebaum does not seem to be sure about it. He says,

"What seems the ideal dispensation and process of law contained in a letter allegedly written by Omar to one of his judges, whatever its date, the missive was familiar to Muslim writer not later than the middle of the ninth century."[4]

From this directive the following rules can be deduced:

1. The judge or the Qazi should treat all equally in his court.
2. Generally the burden of proof is on the plaintiff.
3. If the defendant has no proof or evidence, then he should be put on oath.
4. Parties can compromise provided it is not against the law.
5. The judge can of his own accord review his decision even after delivering the judgement.
6. A date should be fixed for the hearing of the case.
7. If the defendant is absent on the appointed date, the case be decided ex-parte.
8. Every Muslim can be a witness, but not one convicted of an offence, or who has given false evidence.

It would be interesting to compare the directions given by Hazrat Omar with those in Roman law, which was and continues

to be the basis of very many laws of many countries in Europe.

According to procedure laid down in the Twelve Tables, it was the duty of the man who wished to begin legal proceedings to summon his opponent orally, whereever he find him, to follow him to court, and it was the duty of the opponent to obey the summons. If he refused, the summoner called the bystanders to witness and proceeded to use force, for the state as yet, and for a long time afterwards provided him with no help. If the defendant was sick or infirm with age he had to be provided with a beast to carry him, but he could not insist on a cushioned carriage. The only way in which a defendant could escape from the duty of obeying the plaintiff's summons was by finding a *vindex*, i.e. one who would guarantee his appearance before the magistrate when wanted. It was also that where the defendant was a member of the wealthier class, the *vindex* must be one also.[5]

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Hazrat Omar was particulrly careful in the selection of judges or Qazis whom he used to select either from personal knowledge or examination. He appointed persons well known for their character and learning; for example Zaid bin Thabit who used to write the Quran in the time of the Prophet, and who was well versed in Hebrew and Syrian languages, and was an expert in jurisprudence. Abdullah bin Masud was a noted scholar and the founder of the Hanafi Jurisprudence. He was appointed Qazi of Kufa. After him the famous Qazi Shareeh was appointed, who has made a name for himself by his judgements and acumen.

He was very particular that in court rich and poor, are treated alike. To test this impartial treatment in courts sometime he used to appear as a party. Once there was a dispute between him and Abi bin Kab, and the latter filed a suit before the Qazi Zaid bin Thabit. When he entered the court as a defendant, the Qazi stood up. Hazrat Omar said that it was a 'partial act, and sat near the plaintiff. Hazrat Omar did not admit the plaintiff's claim. Abi wanted to put him on oath, but the Qazi requested him not to put Hazrat Omar to oath, as he was the head of the state. Hazrat Omar told the Qazi that he was guilty of partiality, and if he could not treat an ordinary man and him-

self on an equal footing, he was not fit to be a judge and relieved him of his duties.

Indeed the duties of a Qazi have been elaborately laid down : It is requisite that the Qazi sit openly in a mosque in order that his place may not be uncertain to travellers or to the inhabitants of the town. The Juma mosque i.e. the principal mosque of the town, is the most eligible place, if it be situated within the city. The Qazi must not accept presents, excepting from relations allied to him within the prohibited degrees, or those from whom he was used to receive them prior to his appointment neither which can be esteemed to be on cccount of his office, the one being in consequence of relationship, and the other of old acquaintance.

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The Qazi must not accept of an invitation to any entertainment excepting a general one ; because a particular entertainment would be supposed to have been given on account of his office, and his acceptance of it would therefore render him liable to suspicion : in opposition to the general one. The Qazi must not give an entertainment to one of the parties in a suit without the other, because the Prophet has prohibited this ; and also, because it is of a suspicious nature. The Prophet has said,

> "Let strict equality be observed towards the parties in a suit with respect to their sitting down, or directing them, or looking towards them."

The Qazi must not speak privately to either of the parties, or make signs towards him, to give him instructions or support his arguments ; for, besides giving rise to suspicion, he would thereby depress the other party, who might be induced to forego his claim, from an opinion that the Qazi was biased towards the other.

It is abominable in the Qazi to prompt or instruct a witness by saying to him, for instance,

> 'Is it your evidence to this or that effect ? '

> "He must not give judgment at a time when his under-standing is not perfectly clear and unbiased "[6]

What strict injunctions were given to the Qazi to see that not only justice was administered impartially, but also that

no cause was given for the faintest suspicion that one party was treated in a way different to the other. The Qazi was expected to hold the scale evenly. Thus these directions established the principle which came to be recognised in English law centuries after, to the effect that not only justice should be done, but it must appear to be done.

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Besides performing his normal duties of deciding cases, the Qazi performed some quasi judicial duties as well. He was to supervise the trust property like *wakfs*, or the property and interest of the persons suffering under certain disabilities like minors, idiots, lunatics, or missing persons. He has the power to supervise the management and administration of the *wakfs*, and to preserve them. This authority is independent of the wishes of the *wakif*, and is to be exercised for the benefit of the present or future beneficiaries whether they be general public or a class of individuals. His powers in this respect are greater than those of a trustee appointed by a grantor. While *Mutawalli* has very limited powers of leasing, mortgaging or selling *wakf* property in case of necessity, there is no restriction on the powers of a Qazi. He is to take periodical accounts from a trustee regarding the trust property, and he has the power to remove a trustee if he fails to perform his duties properly. If a minor has no guardian, he can appoint one. He can appoint an administrator to administer the estate of a deceased person, whose heirs are absent in a foreign country, or whose whereabouts are not known, or if some of the heirs are minors. He should take necessary measures for the protection of the interests of a missing person.[7]

Curiously enough, we find that under the British rule in India, duties on these very lines had been allotted to a district Judge in a district, by enactments dealing with the guardianship of the minors, *wakfs*, and other charitable properties. The same has been continued both in India and Pakistan.

During the time of Hazrat Omar, the procedure for obtaining justice was very simple. There was no court fee payable. Every one seeking justice was free to come to a court of law. It was emphasised on all Qazis that whenever a poor or destitute person appeared in a court as a party, he should treat him kindly and h sympathy, so that he might not be overawed.

No special building was constructed for courts. They were held in a mosque, which was a well known public place in a locality.

Thus the principle that the trial of a case should be held in a place, where the public had a free access was established by Hazrat Omar in the seventh century. We find that this is one of the well-established practices in the British system of the administration of justice. Thus in Halsbury Laws of England, it is stated :

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> "As a general rule, all courts must be open to the public, but proceedings may be heard in camera where it is shown that the administration of justice would be rendered impracaticble by the presence of the public."[8]

About the court buildings, the same authority says,

> "In every town or place where a court is held in the town hall, court house, or other public building belonging to any county, city, borough, town, or vested in any public body is to be used for the court, without any charge for rent except reasonable charges for warming, lighting and cleaning".[9]

In Hazrat Omar's time, a special department of legal consultation was established; which was a unique office, the like of which was not to be found anywhere else. The principle that 'ignorance of law is no excuse', is well established in all civilised countries, but as every man is not a lawyer, it is very difficult for him to know as to what the law is in a particular set of circumstances. The object of this department was to make legal knowledge readily available, and therefore there could be no excuse for anyone to say that he was ignorant of the law. Only persons of a proved merit and well-versed in law were permitted to give legal opinion. For example, Hazrat Ali, Hazrat Othman, Ma'az bin Jabal, Abdur Rahman bin Auf, Abi bin Kab, Zaid bin Thabit, Abu Huraira etc. who were all noted for their learning, were entitled to give opinion. The names of such persons were announced in public meetings and Friday sermons.

In order to maintain the independence of Qazis or Judges

great respect was shown to their decisions. There was a remarkable illustration of this principle in the time of Hazrat Omar. In order to extend the Prophet's mosque at Medina, he purchased the surrounding houses, but one of the owners of such a house, Hazrat Abbas was not willing to sell his house, although Hazrat Omar was prepared to give a good compensation. The dispute was referred to the Qazi, Abi bin Kab, who decided that even the Caliph could not purchase the house forcibly against the will of the owner. After vindicating his right, Hazrat Abbas gave up his house without compensation. Many instances like this can be cited from Muslim history.

The Rt. Hon'ble Syed Amir Ali says,

> "The tribunals were not dependent on the government, their decisions were supreme; and the early Caliphs could not assume the power of pardoning those whom the regular tribunals had condemned. The law was the same for the poor as for the rich, for the man in power as for the labourer in the field."[10]

A striking similarity we find in the English legal system in which the independence of judiciary finds an honoured place. In the famous Magna Carta 1215 A.D., it was provided that the Crown was not to bring pressure to bear upon the judiciary through fear of dismissal.

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> "The judges were subject to a power of removal by the king only upon an address presented to him by both the Houses of Parliament. Later on as some kings had ignored the provisions of the Magna Carta, the Petition of Rights was drawn up in 1627, which, after reciting some of the provisions of the Magna Carta, *inter alia* incorporated the provisions relating to the protection of judges. The dismissal of the famous Chief Justice, Sir Edward Coke by king James I, showed that the king could exercise the power of the dismissal of a judge, who was considered to be a royal servant dismissable at king's pleasure.

To remedy this, the parliament expxessly provided by the Act of Succession 1701, that the Superior Court Judges held their commission during good behaviour, and could only be dismissed on an address by both Houses of Parliament. Ultimately all these provisions have been enacted in the Supreme Court of Judicature (consolidated) Act 1925. In the performance of their duties, judges of the Supreme and other superior courts enjoy exemption from liability, civil or criminal, for any act done or words spoken. About this Mr. Justice Kally says, 'This provision of the law is not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their function with independence and without fear of consequences. How could a judge so exercise his office, if he were in daily and hourly fear of an action being brought against him, and of having the question submitted to a jury whether a matter on which he had commented judicially was or was not relevant to the case before him.' "[11]

With reference to a colonial case, it has been ruled by the Court of Appeal following the Privy Council, that,

> "No action lies for acts done or words spoken by a judge in the exercise of his judicial office, although his motive is malicious, and the acts or words are not done or spoken, in the honest exercise of office."[12]

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But this independence of judiciary has been attained after a long struggle. Ever since the Norman conquest every king had his Chancellor, who had the custody of the Great Seal. At the end of Henry III's reign, the chancellor became the king's first minister. Robert Burnell, the Chancellor was Edward I's chief advisor. In the beginning the Chancellor was an ecclesiastic, and his duty was to draw up those royal writs whereby action were begun in the king's courts of Common law. In the

14th. century there was a good deal of litigation before the king's council. Various devices for the king's interference were put forward—the petitioner was poor, old, sick, his adversary was rich and powerful would bribe or intimidate the jurors, or had by accident or trick obtained some advantage of which he could not be deprived by the ordinary courts. The tone of the petition used to be very humble, the relief was asked for the love of God and that peerless Princess his Mother, or for His sake who died on the Road Tree on Good Friday. A common formula was—for the love of God and in the way of charity. Thus the petitioner admitted that strictly speaking he was not entitled to what he asked—he asked a boon, or a royal favour.[13]

Through his Council, the king exercised great powers. In the time of Henry VII, by the statute of 1487 the offences of riots, perjury, bribery of jurors, a misconduct of sheriffs, and some other offences were to be tried by the Chancellor, the treasurer, and keeper of the Privy Seal, with the help of a bishop and a temporal lord of the council, and the two Chief Justices, or other two judges in their absence. This council used to meet in a room of the Palace of Westminister known as the Star Chamber. In later times a tribunal known as the Court of Star Chamber came into being, which exercised a very comprehensive penal jurisdiction, practically an unlimited one, except that of awarding death penalty. In 1641 the Long Parliament dissolved the Court of Star Chamber.

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The most remarkable provision under English law by which the liberty of an individual living in England, is secured, is the writ of habeas corpus and subjiciendum, commonly known as the writ of habeas corpus. It affords an effective means of immediate release from unlawful or unjustifiable detention, whether in prison or in private custody. It is a prerogative writ by which the king has a right to inquire into the causes for which any of his subjects are deprived of their liberty. By it the High Court, at the instance of a subject aggrieved, command the production of that subject, and inquire into the cause of of his imprisonment, and if there is no legal justification for detention, the party is ordered to be released. In any matter involving the liberty of the subject the action of the Crown or

its minister, or officials is subject to the supervision and control of the judges on habeas corpus. The judges owe a duty to safeguard the liberty of the subject not only to the subject of the Crown, but also to all persons within the realm who are under the protection of the Crown and entitled to resort to the courts to secure any rights which they may have, and this whether they are alien friends or alien enemies.[14]

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It is a writ of such a sovereign and transcendent authority that no privilege or person can stand against. It was said in Darnell's case (1627) by Hyde C.J.

> "Whether the commitment by the king or other, this court is a place where the king doth sit in person, and we have power to examine it ; and if it appears that any man hath any injury or wrong by his imprisonment, we have power to deliver and discharge him ; if otherwise he is to be remanded by us to prison again."[15]

A very remarkable application for habeas corpus was moved in the High Court in 1925 in the following strange circumstances. While a Polish boat was lying at berth on the river Thames in London, one of the crew escaped from the boat and came on the shore and asked for political asylum in this country. Thereupon some of the members of the crew forcibly removed him to the boat and detained him there against his will. At once a person moved an application under writ of habeas corpus on behalf of the detained man. As the High Court was not sitting on that day, he took the application to a judge of the High Court who was in his country residence quite a distance from London. The judge, after hearing the petitioner, granted an *ad interim* injuction ordering the production of the detained person before him, and prohibiting his removal from the jurisdiction of the court, until the disposal of the application. After getting the order, the applicant tried to reach London with all speed. But as it was evening time and there was a traffic jam it took him several hours to reach the place where the Polish boat was standing. There, to his bewilderment, he found that the Captain of the boat refused to comply

with the order of the court, saying that as the detained person was a Polish subject on a Polish boat, he was not bound to comply with an order of the British court and ordered the boat to sail. The poor applicant felt so disappointed and helpless as he saw the boat was about to move. He appealed to the various authorities at the dock but they expressed their inability to help him. In utter despair and as a last resort, he telephoned to Sir Winston Churchill, who was the Prime Minister at that time. The valiant Prime Minister, true to the great tradition of British Justice, at once ordered that the bridge on the Thames be lowered, and the Polish boat should not be allowed to pass. It was done, and in the meatime the police came, and tried to rescue the detained man in obodience to the order of the court. The Captain asked the Polish embassy to intervene, but all his efforts were in vain. The boat was not allowed to pass, until the detained person had not been handed over to the British police. The Prime Minister acted according to the highest traditions of the British justice, and upheld the majesty of law, even though there was a risk of war.

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I have tried to give a short outline of the system of government under Hazrat Omar to illustrate the way in which this distinguished companion of the Holy Prophet carried out in practice the implications of the sayings of ths Holy Prophet, that the ruler is like a shepherd, and should look after the welfare of those given in his charge, or his famous advice to the Emperor of China that a king is like a father to his subjects.

It is an undoubted fact that Hazrat Omar enjoyed the fullest confidence of the Prophet, and he never hesitated to ask the opinion of his Master whenever there was an occasion for it. In this way he used to learn a good deal from the Prophet. There could be no better person than him who could understand the teachings and sayings of his Master. Very few companions of the Prophet, for one reason or the other, could take the liberty of asking very many questions from the Prophet. But Hazrat Omar never hesitated to satisfy himself fully about a problem. It was his custom also to put important matters in a meeting of the companions of the Prophet; where

it was fully argued and deliberated, and then decision was taken.

Another important fact to be remembered in this connection is that he became the head of the state about two years after the death of his Master, when hundreds of his companions were alive and who would have been the first to point out to Hazrat Omar anything which was contrary to the directions of the Prophet, when even common people used to criticize him. When once in a meeting, Hazrat Omar was explaining the reasons for taking away the command of the army from Khalid bin Walid, one member of the audience said to his face.

> "O ! Omar, By God you have not done justice. You have dismissed an officer appointed by the Prophet, and put into scabbard the Sword of God (this was the title given to Khalid by the Prophet). You have done injustice, and felt jealous of your cousin".

Hazrat Omar, without feeling any offence, said,

> "In defence of your brother, you have become angry."

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Yet on another occasion as he asked his audience what would they do, if he were to incline to worldly things. Then and there a person stood up drawing his sword and said, "I would kill you". To test him, Hazrat Omar said, "Do you say this to me"? He said, "Yes, to you". Hazrat Omar said, "God be praised that there are people present in the community who would set me right, if I were to go astray".

It can thus safely be said that the system of government which he devised was in accordance with that envisaged by the Prophet. One very remarkable fact about his system of government is that it was established at a time, when the Muslims were not divided into any sects. The Rt. Hon'ble Syed Amir Ali very justly says,

> "Islam gave to the people a code, which, however archaic in its simplicity, was capable of the greatest development in accordance with the progress of

material civilisation. It conferred on the State a flexible constitution, based on a just appreciation of human rights and human duty. It limited taxation, it made men equal in the eye of law, it consecrated the principles of self-government. It established a control over sovereign power by rendering the executive authority subordinate to law,—a law based upon religious sanction and moral obligation. 'The excellence and effectiveness of each of these principles', says Urquhart, '(each capable of immortalising its founder), gave value to the rest ; and all combined, endowed the system which they formed with a force and energy exceeding those of any other political system. Within the lifetime of man though in the hands of a population, wild, ignorant, and insignificant it spread over a greater extent than the dominions of Rome. While it retained its primitive character, it was irresistible'."[16]

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From the system detailed above, it can be deduced that the Islamic State has the following duties to perform :

1. To promote the moral and material welfare of its people.
2. To provide the necessities of life for its subjects. viz., food, clothing, and shelter.
3. Is responsible for the security of the lives and property of its people.
4. Provides machinery for the due and impartial administration of justice.
5. Justice to be within the reach of rich and poor alike.
6. Judges must be qualified and capable of discharging their duties without fear of even the highest authority.
7. To provide capable lawyers to advise the poor and other persons in need of legal advice.

8. The State is to see that the decrees or sentences imposed by its courts are carried out without favour or discrimination.

9. To construct and maintain roads, bridges, and develop means of communication.

10. To provide homes for the poor and invalids.

11. To make provisions for the medical and other sanitary arrangements.

12. To provide for the proper education and training of its subjects.

The importance attached to education can be seen from the following injunctions in the Holy Quran and the sayings of the Holy Prophet of Islam. The Holy Quran says,

> "The Prophet teaches them the Book and the underlying philosophy".

Here 'Book' refers not only to the Quran, but all the different kinds of sciences and learnings mentioned therein.

The Prophet has said,

> "The acquisition of knowledge is the duty of every Muslim, man and woman".

There are various other sayings of the Holy Prophet emphasising the importance of knowledge, and exhorting his followers to acquire it.

Thus he says,

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> "To the student who goes forth in quest of knowledge, God will allot a high place in the mansion of bliss; every step he takes is blessed, and every lesson he receives has its reward".

What importance he attaches to knowledge can be seen from his saying,

> "The ink of the scholar is more holy than the blood of the martyr".

Hazrat Ali used to lecture on many branches of learning. Some of his sayings are,

1. "Eminence in science is the highest of honours".
2. "He dies not who gives life to learning".
3. "The greatest ornament of man is education".[17]

Such were the ideals not only set forth, but put into actual practice by the Prophet and his distinguished successors at a time when the then known world was enveloped in moral and intellectual darkness.

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The idea of democracy, representative or popular government was not even in an embryoanic state. The idea of associating common people in some form or other with the government was developed centuries after the establishment of the above-mentioned Islamic state.

Abraham Lincoln's famous definition of a popular government as the government of the people, by the people, and for the people, was enunciated about eleven centuries later. At the time of Hazrat Omar, in no country in the world, was state considered to be responsible to provide amenities, food or shelter to its subjects; but which Hazrat Omar provided in his government.

As shown above, the essentials of an Islamic state were put into practice by the Prophet and his immediate successors, any departure made from these principles by any ruler, king or otherwise can at best be regarded as his personal act, and Islam should not be blamed for it. It will, therefore, be unjust to take their examples as the model, and criticize Islam for it. This fact must be remembered, that the best example is that of the Prophet and of his immediate successors. Even then, as I have shown above, Islam has laid down only the essential foundamentals, leaving ample room for the display of human ingenuity for providing solutions for the new problems, that are bound to arise in this ever changing and ever progressing world of ours.

At this stage it would be interesting to study the development of the idea that a state is responsible for the social welfare of the people living in its charge, and which state is now popularly called a 'Welfare State'. Proposals for social betterment have

been made from very ancient times, and the rate of progress has depended on the conditions prevailing in a particular locality. It is an interesting study how the idea developed from the inborn human desire to help others who are in distress. It is laid down in Encyclopaedia Americana,

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> "That the development of Athens into a commercial empire, the growth of plutocracy in the Roman Republic, the disintegration of Roman Society in the fourth and fifth centuries, the breakdown of feudalism and the origin of the national states, the rise of the bourgeoisie following the Commercial Revolution, the greatest of all social and economic revolution—the Industrial Revolution of the late eighteenth and nineteenth centuries and the growth of modern imperialism with the expansion of European civilization throughout the world—known examples of social and economic transformation which have produced their accompanying programme of social reforms".[18]

About its development the United Nations Report says,

> "In the basic ethics of all great religions, there has been the recognition that the better-endowed must help those who are less fortunate ; but, developing from this deep impulse of human charity and consistent with the voluntary help and personal giving, there is a new and wider concept, governments have accepted the principle that in the interest not only of their countries but of the world in which these communities exist, they must organise and undertake mutual aid".[19]

Let us see what are the teachings of Islam on the helping of the poor and the needy. The Holy Quran says :

و فی اموالهم حق للسائل و المحروم

"And in their wealth was a share for one who

asked for help and *for* one who could not."
(51 : 20)

و اعبدوا الله ولا تشركوا به شيئاً و بالوالدين احساناً
و بذى القربى و اليتمى و المسكين و الجار ذى القربى والجار
الجنب والصاحب بالجنب و ابن السبيل وما ملكت ايمانكم
ان الله لا يحب من كان مختالا فخورا .

"And worship Allah and associate naught with Him, and *show* kindness to parents, and to kindred and orphans, and the needy, and to the neighbour that is a kinsman and the nighbour that is a stranger, and the companion by *your* side, and the wayfarer, and those whom your right hands possess. Surely Allah loves not the proud *and* the boastful." (4 : 37)

"Do thy alms openly or in secret, for both are well."

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Article 23 of the Universal Declaration of Human Rights makes it incumbent upon every state to provide social security to its members. It says,

"everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each state, of the economic, social, and cultural rights indispensable, for his dignity and the free development of his personality".

The United Nations Report thus defines the social welfare administration :

"In addition to organised social action aimed at solving problems of health, education, rural

welfare and employment, other social services have been organised with a view to community, family and child welfare ; social defencc ; re-habilitation of the handicapped ; housing and town and country planning and in general, the organisation of means of putting persons into effective relationship with the social resources of which they stand in need".[20]

Typical social welfare services established in various countries of the world are enumerated in Methods of Social Welfare Administration, New York 1950 :

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1. Health-connected social welfare activities:

   Public Health and Medical Care Services have been reinforced with a number of medico-social activities. Some of these, such as infant and maternal consultations, are largely, though not exclusively, matters of public health administration, others, such as medical and psychiatric social work, hospital almoning and occupational therapy, are essentially aids to medical care agencies in promoting the complete recovery of patients.

2. Education-connected social welfare activities :
   Education has been strengthened with welfare services, such as the promotion of school attendance, leisure-time group activities of children and young persons, adult education, vacation colonies, kindergartens, and special provisions for handicapped children.

3. Nutrition-connected social welfare activities :

   To bring good nutrition within reach of more people, special services have been developed : but experience has not yet produced any consensus as to the most effective organ through which to render these services. Maternal and infant consultations have in some countries been used as distributors of food or instructors in feeding ; they usually come under health organs. School feeding sometimes comes under education organs. In some countries where autonomous health insurance and family allowance funds have

engaged in preventive medicine and health education, they have engaged also in nutritional instruction and in the supply of nutritive meals ; including provision of populor restaurants, factory cafeterias, and milk kitchens.....

4. Employment-connected social welfare activities :

In the field of employment, welfare services have been developed as a part of vocational guidance, worker migration, personal management, and labour organisation.

5. Social welfare activities connected with social security :

In addition to social insurance benefits and social assistance pensions, social security has been approached through a number of other services, some of which call for highly individualised administration .....

6. Social welfare activities connected with housing and town and country planning :

The management of popular housing has often been re-inforced with welfare services aimed to help tenants adjust to their new environment. The management of general social centres has sometimes been in the hands of general community organisations, whether governmental or non-governmental, concerned with education or recreation.

7. Adjudication—connected social welfare activities :

Judicial administration is aided by several variously administered social welfare activities such as court social work, guardianship, and legal aid .....

Although programmes of various countries for aiding needy persons differ in different countries, descriptions are to be found in the periodical reports issued by the U.N.O. through its specialised agencies.

Broad measures intended to benefit families in different countries (including family allowances, marriage grants, birth premiums, relief from taxation, food rebates, school meals, rent allowances, clothing rebates and provision of clothing, educational grants, holiday allowances for housewives, and free

vacation transportation for housewives and children are described in Economic Measures in favour of the family.[21]

Among the nations of the world devoting large amount o their resources to social welfare, Sweden holds a prominent place. In 1950, 2,622 million Kroner representing about 11% of the national income were spent on health services, insurance for industrial injuries, employment measures and unemployment insurance, old age and disability benefits, family and child welfare, and public assistance.

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Great Britain spent in 1953-54 an estimated £632 millions for the National Health Service, National Insursnce Fund, assistsnce, children's allowances and pensions. In 1952-53, in the United States, the social welfare expenditure on insurance, public health, and medical services, other social services, and veterens' programmes amounted to 16.4 billion dollars. This was in addition io hundreds of millions, of dollars voluntarily contributed to the American Red Cross, the National Foundation for Infantile Paralysis funds.

Different definitions of social work are given in the various countries, which are included in the United Nations Department of Social affairs.[22]

From this Social Work may be defined as: A profession characterised by particular knowledge, attitude, competence, spirit of democratic and public service, and personal qualities on the part of the professional person whose primary responsibility is to assist entire societies, communities, groups, individuals to attain for themselves the highest possible well-being. The social worker may use his professional competences to (1) assist in improving social institutions (such as the family, schools, courts, or programmes of income distribution and maintenance) and human relationships (such as those between different social and economic classes, or between majority and minority groups) so that they may serve with maximum effectiveness, the welfare of the largest possible numbers of persons; (2) render direct services in conjunction with broad social institutions (such as social work in schools, courts, industries and hospitals may be required to permit these institutions to benefit, as fully as possible, entire societies, communities, groups, or individuals, regardless of their particular circumstances which might otherwise deprive

them of benefits essential to their welfare ; (3) help in establisheing and to render services (such as social insurance, public assistance, or instrumental care) as may be required because of the malfunctioning or defects in broader social institutions, and (4) assist particular communities, groups, and individuals, (whose welfare is not sufficiently assured in broad services) through community organisations, group work, and casework methods to utilize both their own strengths and other resources, so as to obtain the highest possible level of well being.[23]

From this brief survey, we see that the idea originated from proposals for social betterment of the people, and it passed through various phases, until the state has been made responsible for the material and intellectual needs and development of its people. Such a state has been termed as a 'Welfare State'.

From the ideals of the Islamic States stated above, it is quite evident, that they correspond very much to the conception of the 'Welfare State' developed eleven centuries later. Whenever an attempt is made by the Muslim authors in the present times, to put forward Islamic teachings in a way somewhat different to the beaten and traditional track up goes the cry from the critics of Islam that it was an after thought and was an effort to draw Islam from a Christian paint box.[24] No such charge can be levelled against what I have written, as the government set up by Caliph Omar was established centuries before even the conception of modern 'Welfare State'. But by this I do not mean to imply that all the details of such a state were known then. But the government of Caliph Omar had all the broader outline of that which was to come centuries after.

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Arabic is the Mother of all Languages

XIX

Sheikh Muhammad Ahmad Mazhar, Advocate

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Basic Principles of Etymology

The book *Minan-ur-Rahman* has laid down several guiding principles of etymology. Among them the following may be noted :

و العربيـة ام الالسنـة من الله الاعلى ـ و اما الباقية
من اللغات فهى لها كالبنين والبنات ـ يتخذون لباساً
من هذه الحلة

"And Arabic is the original language given by God and all other languages are like its sons and daughters and they receive outfit from the sacredotal vestments of Arabic." (P. 40)

ولا تكفى مفرداتها فى استيفاء انواع المرام ـ ولاتوجد
فيها ذخيرة المفردات .

"And the simple words of non-Arabic languages are not sufficient to fulfil various human requirements and they do not possess a treasure of simple words." (P. 78)

الا ترى الى اللسان الويدية الهندية ـ وغيره من الالسنة
الاعجمية ـ كيف توجد الفاظها من قبيل البرى والخت
وشتان مابينهما و بين المفردات البحت .

"Do not you see that the Vedic and other non-Arabic languages possess a vocabulary which is a sort of trimming and fabrication. And there is a world of difference between artificial words and purely simple words." (P. 80)

فحلوا السنتهم بأيديهم لا بايدى الفياض المنان ـ وكان

غاية سعيهم ان ينحتوا بازاء المفردات انواع تركيبات.

"Their languages received embellishment from their own hands and not from the hands of the Bounteous and Benevolent Lord. And with their utmost efforts they could only manipulate various compound words as against simple words." (P. 81)

The above noted observations are fully proved by facts. For instance, Sanskrit is considered to be vaster than other Aryan languages. But let us see what is the wherewithal and stock-in-trade of Sanskrit.

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(a) It claims to possess no more than 2,000 verbal roots many of which are variants of one form and only about 800 have yet been found in Sanskrit literature.

(b) As a matter of fundamental principle all nouns are derived from verbs.

(c) This small stock of 800 roots, or, for that matter 2,000 roots is aided by 25 prefixes and as many as 200 suffixes to make compound words.

(d) It consists of nearly 4,000 rules of grammar which is a most complicated technique dealing with the interchange of vowels and consonants in order to denote the minutest shades of meaning which have been shaped out. (Adapted from Sanskrit Grammar by Macdonall, 1959 Edition.)

In the above context it is clear that 800 roots of Sanskrit dwindle into insignificance in comparison with the vastness of Arabic roots. These roots, however, can be traced to Arabic with precision and certainty. These 800 or 2,000 roots are too small to cope with human requirements and hence the necessity of employing 25 prefixes, 200 suffixes and 4,000 rules of Grammar. It is this aspect of Sanskrit which has made European scholars eulogise Sanskrit. But these eulogies have been elicited not by the vastness or completeness of Sanskrit language itself but by the technique, ingenuity, labour and industry employed by Sanskrit grammarians and scholars like Yasks, Panni and a line of their predecessors no fewer than 64 and their successors

like Katyayana, Vartikas, Patanjli, Bhartharri, Jayaditya, Vamana and several others. The fact that 4,000 detailed rules were accomplished as early as 300 B.C., made the European scholars wonder at the achievements of Sanskrit grammarians. It is this aspect of Sanskrit which is referred to in the above-mentioned quotations of *Minan-ur-Rahman* which say that the root words of foreign languages are too small ; and that they are compelled to coin compound words ; and that Sanskrit and other languages have received embellishment from human hands.

This argument applies more forcefully to other Aryan languages which are considered to be inferior to Sanskrit. The fact that Sanskrit nouns are formed on verbs has the advantage of showing the reason and philosophy of the noun. For instance,

(i) BRAH-man, creator—from the verb BHR, to bear i.e., (برء to create)

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(ii) HRID, heart—from KRAD, to throb=رعدة shudder.

(iii) BHAJ-share—from BHAJ, to break (بضع to split)

(iv) BANDH-U, relative—from BADH, to bind (ابض to fasten).

(v) GUR-U, heavy i.e., spiritual leader. (وقر burden).
But the number of verbal roots being very small, the derived nouns do not always conform to the verbs and one often comes across forced etymologies and conventional nouns e.g.,

(vi) ACHAR-ya, to be gone to i.e., a teacher, (سار to go).
Here the noun does not exactly conform to the verb and (ACHAR-ya, a teacher) is only a conventional and ceremonial word.

(vii) RAJA, a ruler—from the verb RAJ, to shine. The idea of ruling is only a metaphorical sense of shining i.e., to be conspicuous, hence to be a ruler (رعج to shine, to be rich).

(viii) AS-VA, a horse—from the verb AS, to travel (ساح to travel).
Here the derived noun ill-accords with the root because everything that travels can be called AS-VA.

(ix) GU-a cow—from the verb GU, to bellow, to cry (قوة to cry). The noun does not exactly accord with the verb because cow is not the only animal that bellows and cries.

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(x) LYMPH, clear water—from LAP, to shine (لهب to blaze). The sense of shining is too general to be confined to water alone.

It is obvious hence, that the formation of nouns on verbal roots is an advantage as well as a drawback because the number of verbs is quite inadequate to yield every required noun and the derived nouns are in many cases merely forced and poor etymologies.

و ليس لفظ عندهم الا من هذه اللهجه

"And they (the non-Arabic languages) do not possess a single word which is not Arabic." (P. 66)

This is an all-embracing principle. It gives us boundless hope and vastest field of research about every language in every clime and country, now and in times to come. Here belongs the monogenesis theory of languages which is by now the creed of many philologists and which awaits research and proof. Here also belongs the message of the Holy Quran relating to unity of God and common brotherhood of man, whose differences of race, colour and language can be resolved into unity of origin and subsequent variations.

ومن آياته خلق السموات والارض واختلاف السنتكم

والوانكم ان فى ذلك لايت للعلمين .

"And among His signs is the creation of heavens and the earth and the diversity of your tongues and colours. In that, surely are signs for those who possess knowledge." (Quran 30 : 23)

It may be noted here that with the efflux of time a number of words in every language has undergone wear and tear with a metamorphic change of sound and sense and hence their origin has been lost in obscurity. Barring such words the

central and substantial parts of every language can be traced to Arabic.

It is also important to note here that new words, particularly, terms of art and science, are always coined and carved out of old words. Maxmuller is perfectly right when he says,

> "No new root or radical has ever been invented by later generations, as little as one single element has ever been added to the material world in which we live." (Science of Language Vol. I. P. 28)

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But what is the modus operandi of tracing out the etymologies. It is this :

وكلما يرد لفظ الى منتهاها مقام الرد ـ ويفتش اصله بالجهد

والكد فترى انه عربية ممسوخة كانها شاة مسلوخة .

> "And when you employ utmost effort and industry to retrace a word to its *ultimate origin* you will find it to be an Arabic word which has been disfigured like unto a goat which has been skinned." (*Minan-ur-Rahman* P. 87)

Etymology means, true word, that is to say, the earliest form and meaning of a word. And when we trace a foreign word to its ultimate origin we generally find a little change in its sound and sense which has to be set right in conformity with definite laws. This is the significance of the phrase "Which has been disfigured like unto a goat which has been skinned." The Ten formulas already discussed are in effect the modus operandi to push back a foreign word to its ultimate Arabic origin. And unless you reach the last limit you will not arrive at the Arabic origin. This principle is illustrated below.

1. Oath (EED)=عهد Oath.
2. English EAT, Greek ED, Latin EDO, Sanskrit AD Italian AZZ is the same word which means, to gnaw, to eat=عض to bite a thing, hence eat.
   There is a slight shift of sound and sense.

   D. represents ض and biting with teeth is taken to mean

eating. The European etymologists stop at the Sanskrit root AD but one step further has to be taken to reach the Arabic root عض.

3. Sanskrit VID, Latin VIDEO, (also written as UID) and Greek ID is the same word. It means, to see, to know, to visit. Admittedly V of Video is prosthetic. Therefore ID=عهد i.e., to see, to be acquainted with, to visit.

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In the Greek root ID, H of عهد has been skinned away. The root VID or ID gives us the following derivatives :

Provide, Providence, Evidence, Evident, Jurisprudence, Prudent, Prudence, Invidious, Vide-licet (here D subsists)—Wise, Wisdom, Vision, Visage, Envisage, Visible, Visit, Visor, Vista, Visual, Visualise, Provision, Revise, Revision Supervise, Vizard, Prevision, Advise, Advice, (Here D has changed into S or Z)—Vitreous, Vitrify, Vitriol, Wit, Witness (Here D has become T)—Vidya, Veda, Vide-van (Here prosthetic V has suppressed the Arabic letter ع (Ain). Viv-id, View, Review, Survey, Purvey (Here D has been elided with the result that the root has disappeared and surplus V has been left over).

N.B. With great effort you have to pass through view, vision, vid, video in order to reach ID which is the last leg of the journey and here you will find the Arabic root عهد. If you stop at Video you have not reached the destination. This proves word for word, the truth of the principle :

كلما يرد لفظ الى منتهـا مقـام الرد ـ ويفتش اصـله بالجهد والـكد فترى انه عربيه ممسوخة ـ كانها شاة مسلوخة .

4. Latin root JACIO means, to throw.

JC=ZC زخ to throw into abyss. G=Z.

It is the base of object, subject, reject, deject, project, projectile, eject, ejaculate etc.

5. Greek root logy=Latin loqui=Sanskrit LAK i.e., to

speak. G of Greek has changed into K in Latin and Sanskrit according to well-known sound-shift. Here again Latin, Greek and Sanskrit are sisters. But taking one step further LOGY = لغا to speak. Its derivatives are : logic, ana-logue, dia-logue, apo-logue, apo-logy, cata-logue, deca-logue, ec-logue, epi-logue, mono-logue, pro-logue, biology, philology, etymology, eulogy, logo-machy, logarithm, syl-log-ism.

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From the Latin root loqui, we have loquacious, eloquent, eloquence, colloquial, soliloquy, obloquy, allocution, circumlouction, elocution, interlouction, ventriloquist. L changes into R so that logy is spelt in the Russian language as Reche. A curious change has occurred in Sanskrit in that guttural K has been softened to labial P, so that Sanskrit has changed LAK into LAP. Change of K into P is also a well-known sound-shift. Therefore, please mark the sound-shifts :

Arabic لغا = Greek, logy = Latin, loqui = Sanskrit, LAK = Sanskrit LAP = Russian RECHE.

6. The Latin root Sequi means, to follow. And we know for certain that "Latin is particularly addicted to the transposition of letters" (Jesperson on language P. 50.)

Therefore SEQUI = SQ = QS قص to follow.

This root SEQUI is the base of sequent, consequent, consequence, subsequent, sequence, sequel. consecutive, execute, obsequies, persecute, prosecute, sequester, second, pursue (K elided) sue (K elided) pursuivant (K elided) exequies (ex-sequies).

Please mark قص Arabic = SEQUI, Latin = SAK, Aryan = SACH, Sanskrit i.e., to follow.

7. The Latin root DUCO, means to lead, to draw. It is metathesis of قاد to lead, to draw. In English it is '*guide*' which retains the order of letters. DUCO is the base of produce, reduce, seduce, conduct, induct, deduct, ducat, duke (leader), dux etc. Therefore please mark قاد = Guide = Duke = DUCO

8. Sanskrit, MAN=Latin, MEN=Greek MEN-os, i.e., to think. The three languages are, therefore sisters. In Arabic it is امعن to ponder over. This root gives us, mind, mindful, mental, mania, man (thinker), dement etc.

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9. Latin root LIGO i.e. to bind. It is aphetic of اعلق to fasten. Derivatives : league, ligature, religion, col igate, oblige, obligatory, obligation—lea, ally, laison (K elided) etc.

10. Latin SENEO=Aryan SANA=Vedic Sanskrit. SANA i.e. old.=سنه to be old. Derivatives : senior, senile, senate, senator, senescent, seneschal.

11. (a) Sanskrit PRI=Latin PLE=Aryan PAL=Greek PLE i.e., to fill=حفل to fill.

Derivatives : fill, full, plenty, complete, replete, deplete, explete, ple-thora, accomplish, implement, plenish, complement, compliment, plenary, plenipotentiary, plenitude, replenish, supply, supplement, plebian, plural, people, populate, depopulate, police, metropole (حفال large crowd) maniple, manipulate, plenum.

(b) Latin FLUO=Sanskrit PLU i.e., to flow=حفل to flow. Derivatives : float, flow, flood, fluid, confluent, fluent, flue, fluctuate, flume, flour, flourescence, flux, efflux, fluxion, fleet, influence, influenza.

(c) Latin AM-PL-US i-e., copious=PL حفل to be copious. Derivatives : ample, amplify, amplitude, plural, plus, pleuo.

(d) Latin PLUO i.e., to rain=حفل to pour torrents of rain (Sky) whence, pluvial, pluviometer, plover.

N.B. The root حفل has 4 senses in Arabic. viz., to fill, to flow, to be copious, to rain abundantly. These 4 senses are differentiated above. PLE is aphetic of حفل .

12. Latin STA=Greek HISTE-mi=Sanskrit STHA i.e. to stand =صداء i.e., to stand erect in order to see. This root gives about one hundred derivatives e.g., stand, standard,

standardise, withstand, notwithstanding, state, status, estate, stationary = statue, statute, station, stay, stable, constable, establish, stage, staid, stamen. obstacle constitute, destitute, institute, prostitute, restitute, substitute, reinstate, interstice, superstition, instant, instance, instantaneous, distant, distance, circumstance, stanza, substance, substantive, consist, desist, persist, resist, stagnate, destine, obstinate, and scores of other derivatives all manipulated with various devices and artificialities by employing numerous prefixes and suffixes. Here mark again the truth of the Principle :

"Their languages received embellishment from their own hands" etc.

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13. Aryan GAN=Sanskrit Jan=Latin GEN=Greek GINOmai, i.e., to begat=GN=ZN ضنأ to have many children (woman), to be numerous (flock) ضئن numerous offspring. ضنو little children. G stands for Z and the sense has been slightly changed to denote begetting i.e,. having numerous children.

Derivatives : genera, generical, general, generate, gentle, genteel, gentile, generous (i.e., well-born) gender, engender, con-gener, genius, genial, genital, congenital, geni-tive, genuine, congenial, de-generate, indigen-ous, in-geni-ous, ingenu-ous, progeny, progenitor, regenerate, gentry, genealogy, genesis, genus, heterogene-ous, homo-gene-ous, endo-gen, oxy-gen, hydro-gen, nitro-gen.

14. Aryan GAN=Sanskrit JAN i.e., to know=GN=ZN ظن to know, to think.

Derivatives : know, knowledge, A-GN-Ostic, dia-gno-sis, re-co-gn-ise, etc., and G is elided in the words, note, notify etc.

15. Latin root SENTIO i.e., to percieve = سطح i.e., to be percieved by a. o. (smell).

Derivatives : scent, sense, senseless, sensible, sensitive, sensation, sensational, sensorium, sensual, sentence, sentiment, assent, consent, dissent, resent, insensate, non-sense.

16. Aryan YUG (YUK)=Sanskrit YUJ=Latin=IUG,=Greek ZYG i.e., to join, to connect=ZG زوج to couple a th. w. Z has been retained by Greek but it has changed into Y in Sanskrit because Sanskrit alphabet has no Z.
Derivatives : conjugate, conjugal, jug-ate (having leaflets in pairs) (zygo-sis, zygo-ma, zygo-te, subjugate, jugular, juxta, juncture, junction, conjunction, disjunction, injunction, yoke, join, adjoin, conjoin, subjoin, joinder, enjoin, disjoin, JOUST.

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N. B. Greek root ZYG has retained the Arabic form while this root has undergone various sound-changes in allied languages. In the word join=(JUG) I represents G.

17. Latin JOCA i.e., to jest=JC=ZC ضحک i.e., to laugh at, to sport.
Derivatives : joke (to excite laughter) joker, jocular, jocose, jocund, juggle.

18. Aryan TAN=Latin TEN i.e., to hold, keep=وتن i.e., to remain long in a place, to persevere in.
Derivatives : tenable, tenant, tenement, continue (وتن to flow *continually*) discoutinue, countenance, discontent, discountenance, entertain, incontient, lieu-ten-ant, pertinent, impertinent, maintain (hold by hand) malcontent, obtain, pertain, abstain, retinue, retain, contain, detain, appertain, appurtenance, tenacity, tenacious, (واتن to hold fast) retention, detention, abstention, content, continent, tenet, tenuity, extenuate, tenure.

N.B. I have based the Latin root TEN on وتن=But the dictionaries have wrongly based this root on Ten i.e., to stretch=TN=NT=نط i.e., to stretch. It is clear that the above noted derivatives conform to وتن and have nothing to do with stretching. وتن has its kins viz, تنأ to inhabit a place, وطن to settle in a place.
For the sense of stretching see the following root.

19. Latin root TEN-do comes from TEN i.e., to stretch i.e., TN=NT نط—نطا to stretch.
Derivatives : tender, tend, attend etc.

20. Latin CLA=Greek KLEI-en,=Aryan KLU i.e., to shut

confine=عکل to detain in prison.

Derivatives : close, enclose, enclosure, closely, seclude, seclusion, recluse, exclude, include, preclude, cloister, cliostogamic, conclude, conclusion.

21. Latin GRAVO i.e., to load=GRAB کرب i.e., to load, to grieve.

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Derivatives : Gravid, gravity, gravitate, gravitative, grivitation, graviolent—grieve, aggrieve, grief (کرب grief).

22. Latin CAPER i.e., a goat=غفر young of a mountain goat.

Derivatives : caprea (wild she-goat) capro, (wild goat) capricorn, capriole, caper (i.e., to jump like goat) caprice (whim i.e., sudden leap of mind) caprine, caprifole, capriform.

23. Latln CAP i.e., head=قب head, or قحف skull.

Derivatives : cape, captain, capital, capitalise, capitol, capitulum, capitulate, capitate, decapitate, chapter, chapiter, chaptrel.

24. Latin VOLVO (UOLU)=Greek ELU=Sanskrit WAL i.e. to roll. WAL is metathetic form of لوی i.e., to twist, to coil.

Derivatives : involve, involution, revolve, revolution, evolve, evolution, devolve, devolution, convolution, involution, involute, vault, voluble, volume, volute, involute valve, circumvolve.

25. Old English root GLOW=Teutonic root GAL i.e. to be bright=جلا brightness.

Derivatives : glitter, glisten, glint, glass, gloss, glimpse, gleam, glimmer, glare.

26. Latin CIR-C-US=Greek KIR-K-OS,=Aryan KAR i.e., to roll, move round, to run=کرا to round a thing, to run, کره globe=کار to wind round.

Derivatives : circum (used as prefix) circumstance, circumvent, circumscribe, circumspect, circumference, circumnavigate, circle, circular, circulate, circus etc.

27. Latin JUVEN=Sanskrit Yuvan=Aryan Yuwan=Ywn=YFN یغعان i.e., young man. The verbal root (یفع i.e.,

to be grown up, to be adult and young) is not found in the Aryan languages.

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Derivatives : Juvenile, Juvenal, juvenescent, young, youth, youngster, youngling.

In the word juven, Y has changed into J. For instance, Joseph = Yusuf. Jacob = Yaqoob, Benjaman = ابن یمین .

28. Aryan SAL=Greek ALLO-mai=Latin SAL i.e., to leap =صال to leap, to assault.

Derivatives : sally, assault, assail, salient, desultory, insult, result, saltation, exult (ex-SULT), resilient, saltier, and Hindi words=chhal, chhal-ang, uchhal-na, all of which mean, 'to leap'.

N.B. "S is often seen to change into H or to disappear".* (Jesperson on language P. 199) Therefore Greek ALLO and Latin SAL is the same word.

29. Latin SEDEO=Greek ED-gomai=Sanskrit SAD i.e., to sit =SD=KD قعد to sit. S in SED of Latin and Sanskrit represents K. S has been lost in the Greek root ED.

Derivatives : (a) preside, reside, residue, dissident, sedate, sedentry, sediment, subside, saddle, (قعدہ saddle) subsidy, assiduous, supersede (here d is retained).

(b) sit, seat, set, settle (here d has changed into t).

(c) possess, dispossess, assess, assize, session, (here d has changed into S or Z.)

(d) HED-ra (seat), cathedral (Here K has changed into H.

(e) chair, chaise, (here d has been elided.)

Admittedly all the above-mentioned words are derived from SED. From SED to قعد we have to go only one step further and have to change S into K. From SED unto chaise the root word has undergone a lot of wear and tear as you see in (a) (b) (c) (d) (e) the root has

almost been lost in the words chair and chaise. Philology is full of such surprises which an ordinary reader may not understand. Please note that the root SED is not connected with سدة i.e., seat.

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30. Latin LU=Greek LU-EIN i.e., to loosen, =حل i.e., loosening, solve, absolve حل being a very small word, a prosthetic S, has been added in the derivatives.

Derivatives : solve, solution, absolve, absolution, absolute, assoil, dissolve (حل to dissolve) dissolute, resolute, soluble, solve, solution (حل solution), solvent, insolvent, solvency, (i.e., have the power to dissolve or pay), dilute (حل to dilute) resolve, resolution. All are based on LU=حل .

The following table shows that Latin, Greek and Sanskrit are SISTERS WHILE ARABIC is the MOTHER.

	GREEK	LATIN	SANSKRIT	ARABIC
1.	LOGY	LOQUI	LAK	لغا to speak.
2.	ED	EDO	AD	عض to bite w. teeth.
3.	MEN	MEN	MAN	امعن to ponder over.
4.	PLE	PLE	PRI=PAL	حفل to fill.
5.	GINO	GEN	JAN J=Z	ضنا be prolific=beget.
6.	ZYG	IUG	YUG	زوج to join, couple.
7.	KLEI	CLA	KLU	عكل to confine.
8.	ELU	VOLVO	WAL	لوى to coil.
9.	ALLO	SAL	SAL	صال to leap.
10.	KIR-k-os	CIR-c-us	KAR	كرا to round a th.
11.	ED	SAD	SAD S=K	قعد to sit.
12.	HISTE-mi	STA	STHA T=D	صدأ to stand.
13.	LU	LU	—	حل to dissolve.
14,	—	SENEO	SANA	سنه to be old.
15.	—	JUVEN	YUVAN	يفعان young.
16.	—	CAPER	—	غفر goat.
17.	—	JOKE	— J=Z	ضحک to laugh.
18.	A-GN-US, unknown	GNA	JAN J=Z	ظن to know.

N.B. Nos. 1 to 12 and 18 show that Greek, Latin and Sanskrit are sisters and Arabic is their mother. Nos. 13 to 17 show that the sisters are deficient in some roots but Arabic contains them. Thus the so-called proto-Aryan or prehistoric language is none but Arabic. From the above discussion it is evident that (a) Arabic is the mother of the three sisters viz. Latin, Greek and Sanskrit. (b) out of 30 Arabic roots as many as 600 derivatives have been manufactured with the help of various prefixes and suffixes and by transferring the sense of the root. This firmly establishes the principle viz.,

فحلوا السنتهم بايديهم لا بايدى الفياض المنان۔ وكان غاية سعيهم ان ينتحوا بازاء المفردات انواع تركيبات .

Moreover, the derivation of diferent words from one original Arabic root proves that, "It is the first because Arabic was the Word of God which was with God and was at last revealed to the world *from which men learned to make their own languages.*" (Teachings of Islam p. 132)

In this context please note that you have to learn 30 Arabic words to be able to comprehend at least 600 derivates so that philology becomes a most utilitarian science with the help of Arabic which can facilitate the learning of various languages.

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